

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P. No.D- 75 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection.
2. For hearing of M.A-602 of 2020 (Stay application).
3. For hearing of main case.

26.02.2020

Mr. Ahmed Ali Jarwar Advocate for Petitioners, alongwith the Petitioners.

Mr. Muhammad Ismail Bhutto, Additional Advocate General, Sindh alongwith ASI Muhammad Shakeel Jadoon (Investigation) of P.S Sharafi Goth District Malir Karachi.

Ms. Rameshan Oad, A.P.G.

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Mst. Safiya and Faizan Ali, Petitioners No.1 and 2, are present alongwith their counsel.

Learned AAG files comments / statements of SDPO Quaidabad Sub-Division on behalf of SSP Malir Karachi as well as Respondents No.3 and 4, same are taken on record; copies whereof have been provided to learned counsel for Petitioners.

It is stated by learned counsel for the petitioners that petitioner No.1 being *sui juris* has contracted marriage with petitioner No.2 on her own freewill and without any pressure or coercion from any quarter but against the wishes of her parents; that on the same date viz 13.01.2020 petitioner No.1 has also executed an affidavit of freewill, stating therein that nobody has kidnapped / abducted her (photocopies of Nikahnama and affidavit of freewill are annexed with the memo of petition as annexures-B-13 and C-15); that due to this unceremonial marriage, private respondent No.5, who is father of petitioner No.1 being antagonized lodged a false FIR against petitioner No.2 bearing Crime No.18 of 2020 at Police Station Sharafi Goth District Malir Karachi under section 365-B PPC. He prays for quashment of said F.I.R.

Petitioner No.1 present in court while affirming the contention raised by their counsel, submits that after such marriage she is living with her husband (Petitioner No.2) happily but concerned police under the garb of aforementioned F.I.R, which is false one, in order to arrest her husband are behind them.

During course of hearing, we specifically asked question from Petitioner No.1 whether she intends to join her parents, she answered in negative. She also submits that she intends to go with her husband (Petitioner No.2).

Admittedly, the Petitioner No.1 has married with Petitioner No.2. In these circumstances, I.O. of the case present is directed to record the statement of petitioner No.1 in the office of Additional Registrar of this Court u/s 161 Cr.P.C and one copy be placed on the file of this case and another copy be submitted before the concerned Judicial Magistrate for passing appropriate orders, in accordance with law. Till then, I.O is directed not to arrest the Petitioner No.2 or any other person in respect of the aforementioned F.I.R. It is further directed that no harassment shall be caused to the Petitioners and they shall be provided protection as and when needed; however, in accordance with law.

In view of above, counsel for the petitioners is satisfied and does not want to proceed further with this petition, which is accordingly disposed of alongwith listed application.

JUDGE

JUDGE

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